

REMARKS

This is a Supplemental Response to the Office Action dated June 4, 2007. The claims in the case are claims 14-18 and 22-26. Applicants believe that the Application is in condition for allowance.

The Applicants wish to thank the Examiner and the Examiner's Supervisor for conducting a telephone interview with the undersigned on May 3, 2007. The Examiner indicated that the rejections under 35 U.S.C. § 102(b) and § 103 based on Datcoop would be withdrawn based on the Response filed March 13, 2007.

The Examiner maintained the rejection of claims 14-18 and 22-23 under 35 § U.S.C. 102(b) over Czerwinski as evidenced by Hawley's article on Polyvinyl Acetate. Applicants respectfully traverse. The Office Action suggests that polyvinyl acetate is a thermoplastic high polymer (citing Hawley) and that a liquid solution of polyvinylacetate rendered thixotropic by leather fibers is the same as Applicant's claimed invention. Applicants respectfully disagree. During the Interview, Applicants indicated that the inventors would provide further analysis of the technical differences between Czerwinski and the claimed invention.

According to the Examiner, certain compositions disclosed in Czerwinski (particularly at Col. 5, line 62 through Col. 6, lines 1-3; and Col. 6, lines 43-51) may be considered as compositions within the scope of pending claim 1. The Examiner's position appears to be that the use of polymerizable liquids (*e.g.*, styrene, as disclosed in Col. 6, line 2) in the compositions would result in the present compositions wherein no liquid component would be present. However, for this to occur, an additional reaction step would be required and the liquid component (which is described to be essential) would be lacking. Critically, the Czerwinski compositions would no longer be thixotropic!

This disclosure of Czerwinski is directed to a specific combination of reactive compounds (*i.e.*, alkyd resins or polyester resins (see Col. 5, line 68 through Col. 6, lines 1-3) with monomeric liquids (*e.g.*, styrene). It is, however, known in the art that alkyd resins and polyester resins are *thermosetting* polymers. This is evidenced in HAWLEY'S CONDENSED CHEMICAL DICTIONARY under "alkyd resins" which states:

alkyd resin. A thermosetting coating polymer, chemically similar to polyester resins....

(HAWLEY'S at page 33. A copy is enclosed for the Examiner's convenience)

Under "polyester resins," Hawley's provides:

Any of a group of synthetic resins, which are polycondensation products of dicarboxylic acids with dihydroxy alcohols....The outstanding characteristics of these results is their ability, when catalyzed, to cure or harden at room temperature....Most polyesters now produced contain ethylenic unsaturation....The unsaturated polyesters are usually cross-linked through their double bonds with a compatible monomer, also containing ethylenic unsaturation, and thus become thermosetting.

(HAWLEY'S at page 893. A copy is enclosed for the Examiner's convenience)

Thus, it would be readily apparent to one of ordinary skill in the art that the solidified reaction products of the thixotropic compositions described in Col. 5 and Col. 6 of Czerwinski must be *thermosetting* materials (*i.e.*, cross-linking between the alkyd resin or polyester resin compound and the monomeric liquid occurs). Thus, the compositions do not fulfill the requirements of the claimed composition of the Applicant's invention which are defined as *thermoplastic* compositions (thermosetting and thermoplastic are essentially antonyms). Thermoplastic is defined as

Thermoplastic. A polymer that softens or melts on heating, and becomes rigid again on cooling. Thermoplastic polymer chains are not cross-linked.

(General Chemistry Online! <http://antoine.frostburg.edu/>)

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) over Czerwinski.

The Examiner rejected claim 19 under 35 U.S.C. § 103 over Czerwinski in view of Moran. Applicants respectfully traverse.

As noted above the compositions of Czerwinski are thermosetting resins. Thus, the intention of the composition is to harden in response to high temperature. Similarly, Moran teaches asphaltic composition that does not creep at high temperatures (that is, does not soften at high temperature). This is in direct contrast with the Applicant's composition which is a *thermoplastic* composition (melts at high temperatures). Thus, one of skill in the art would not be motivated to combine the teachings of these references since they have opposite goals.

Withdrawal of the rejection is respectfully requested.

The Office Action rejects claim 24 under 35 U.S.C. § 103(a) as obvious over Czerwinski in view of Kuchler. Applicants respectfully disagree. As discussed above, the composition of Czerwinski is not the same as the composition of the presently claimed invention.

Moreover, Czerwinski does not teach or suggest that a process such as that of Kuchler could be employed with the compositions. The final products of Czerwinski, as correctly stated by the Examiner, are *gel-like* solid masses or bodies having sufficient cohesive force to withstand distortion by *gravitational force* when suspended freely in an inverted receptacle or on a coated object. This does not refer to a solid that can withstand sheer forces or forces applied to the mass as conceived by Kuchler's sheets (which are sufficiently sturdy to be mounted to steel sheets by laminating the sheets together). Thus, the physical properties of the Czerwinski and Kuchler inventions are fundamentally different and cannot be combined without vitiating the purpose of the Czerwinski invention. The suggested combination may not change the principle of operation of the reference (MPEP 2143.01). Czerwinski was designed to operate as a gel-like substance, whereas combination with Kuchler would change Czerwinski's principle of operation.

Withdrawal of the rejection is respectfully requested.

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PATENT

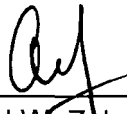
The Office Action rejects claims 25-26 under 35 U.S.C. § 103(a) as obvious over Czerwinski in view of Toyota. The Office Action has rejected claim 25 and 26 under 35 U.S.C. § 103(a) as allegedly obvious over the hypothetical combination of Czerwinski in view of Toyota. The Office Action asserts that it would be obvious to combine Toyota's article forming method with the teachings of Czerwinski. To reiterate, it is an important feature that the compositions of Czerwinski be *liquid* compositions. It is unclear how the method of Toyota to bond a composition to a backing material via a hotmelt adhesive is even applicable to the liquid compositions of Czerwinski. The Office Action suggests that the Czerwinski teaches that the "final product can be used to make leather products." The specification makes clear that the "products" made by Czerwinski are liquids, gels, putties and "like materials" (*i.e.*, not hard solids amenable to use of hotmelt adhesives). Applicants respectfully submit that there would be no reasonable expectation of success in such a combination and certainly no motivation for anyone of skill in the art to make such a hypothetical combination.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, Applicants earnestly submit that the claims are in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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